REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9, 11-13 and 15-19 are pending, Claims 1, 12 and 16 having been amended by way of the present amendment and Claims 10 and 14 having been previously canceled.

In the outstanding Office Action Claims 1-4 and 6-18 were rejected as being anticipated by Marturano et al. (U.S. Patent No. 5,636,230, hereinafter Marturano); and Claims 5 and 19 were rejected as being unpatentable over the combination of Marturano in view of Kumar (U.S. Patent No. 6,269,080).

In reply, the invention defined by amended Claim1 is directed to a retransmission control method that is carried out by a base station (e.g., information delivery apparatus) in a mobile communication system (a multicast service providing system). Amended Claim 1 is implemented and executed in the information delivery apparatus (base station) when delivering multicast information to mobile stations (radio terminals within a service area).

More specifically, the method of amended Claim 1 is directed to determining whether a radio terminal within the service area is designated as a "retransmission-permitted terminal" for retransmission of the multicast information. Furthermore, Claim 1 has been amended to clarify that the determining step includes determining that at least one of the radio terminals is configured to be the retransmission-permitted terminal.

In a non-limiting example, and as disclosed in the present specification (e.g., page 9, line 15 to page 21, line 12, as well as Figures 12 and 13) the retransmission-permitted terminal determining unit 25 of the base station functions as a terminal changing unit (3rd unit) that changes one or more mobile stations on the basis of the status of the retransmission request from the mobile stations. The mobile stations within the service area which are placed in retransmission control are determined by any way of a first way (Figure 7), a

second way (Figure 8), a third way (Figure 9), a fourth way (Figure 10), and a fifth way (Figure 11). If the respective mobile stations do not benefit from the retransmission control executed by the retransmission-permitted terminals, the base station (or information delivery apparatus, as claimed) can change one of the mobile stations determined as being the retransmission-permitted terminal to a retransmission-inhibited terminal which is not permitted for retransmission of the multicast information, based on a status of retransmission requests received from the mobile stations. Accordingly, it is possible that the base station of the presently claimed invention, is able to efficiently use radio resources and improve the quality of mobile communications at the mobile stations within the service area of the base station.

In contrast, Marturano is directed to a method for eliminating a receiving data unit as a source of excessive resend requests (title). Marturano is directed to a "receiving data unit" and processes used by the receiving data unit to eliminate an excessive number of resend requests (column 3, lines 40-42). Moreover, as explained in Figure 2 of Marturano, a system used by the receiving data unit of Marturano, uses the receiving data unit to determine whether a portion of the received data blocks have been inadequately received (column 4, lines 5-7). When this occurs, a resend counter is incremented (column 4, lines 19-20). If the resend counter exceeds a counter limit value, transmission of resend request is disabled by the receiving data unit (step 213 in figure 2, column 4, lines 52-55).

Comparing amended Claim 1 to Marturano, amended Claim 1 requires that the information delivery apparatus determines that at least one of the radio terminals receiving the multicast information is predetermined as being the retransmission-permitted terminal permitted for retransmission of the multicast information. In contrast, Marturano does not disclose this feature. Rather, Marturano is directed to a completely different system where the receiving data unit uses a resend counter to determine at the receiving data unit when to

limit the number of resend requests made. Thus, Marturano's principle operation is different than that of the method of amended Claim 1, which relies on the information delivery apparatus (as opposed to the radio terminals themselves) to determine that at least one of the radio terminal receiving the multicast information is predetermined as being the retransmission-permitted terminal.

Although of differing scope and/or statutory class it is respectfully submitted that the invention of Claim 2-3 and 6-18, as amended, patentably defines over Marturano for at least for the same reasons discussed above with regard to amended Claim 1.

Claims 5 and 19 are rejected as being unpatentable over Marturano in view of Kumar, where Kumar is asserted for its teaching of grouping terminals on a basis of unique information assigned to the terminals and determining at least one terminal on the basis of the grouping of terminals. However, Kumar does not cure the deficiencies with regard to Marturano, and so it is respectfully submitted that no matter how Marturano is combined with Kumar, the combination would not teach or suggest all of the elements of Claims or 19, which depend from Claims 1 and 16, as amended, respectively.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-19 as amended, patentably defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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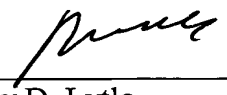

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